



City of Albuquerque

Legislative File Number O-05-126 (version 1)

CITY of ALBUQUERQUE SIXTEENTH COUNCIL

Enacting The Convenience Store Protection Ordinance; Providing For Security Measures;
Providing For A Penalty.

CITY of ALBUQUERQUE SIXTEENTH COUNCIL

BE IT ORDAINED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF ALBUQUERQUE:

Section 1. [NEW MATERIAL] SHORT TITLE. Sections 1 through 7 of this ordinance shall be cited as the “Convenience Store Protection Ordinance”.

Section 2. [NEW MATERIAL] DEFINITIONS. As used in the Convenience Store Protection Ordinance:

(A) AMERICAN SOCIETY FOR TESTING MATERIALS STANDARD D3935.

The American society for testing materials classification standards for transparent polycarbonate bullet-resistant materials.

(B) B RATED. A safe box industry standard, which, at a minimum, conforms to the specifics of a one-fourth inch body and a one-half inch door constructed of steel or an equivalent material.

(C) CONTROLLED ACCESS AREA. An enclosure of the service counter area with transparent polycarbonate or other bullet-resistant material that meets American society for testing materials or underwriters laboratory standards.

(D) CONVENIENCE GOODS. Articles that are frequently purchased for immediate use in readily accessible stores and with a minimum of effort including items that are generally limited in quantity and variety and sold in their original containers.

This definition is not intended to exclude convenience stores that sell a small quantity of

fresh food or unpackaged products in addition to other convenience goods.

(E) CONVENIENCE STORE. Any business that is primarily engaged in the retail sale of convenience goods, or both convenience goods and gasoline, and employs one or more employees during the normal operating hours of the establishment. This term does not include: gasoline service stations, grocery stores or supermarkets. This term includes all businesses with separate structures on their premises that are engaged in the retail sale of convenience goods or both convenience goods and gasoline separate from their primary business.

(F) DEPOSITORY OR TIME LOCK SAFE. A B or higher rated safe box equipped with an electronic or manually programmed time lock or drop slot that prevents unauthorized access.

(G) ENVIRONMENTAL ENGINEERING CONTROLS. An established store floor plan adopted or developed by the employer to reduce theft or robbery by measures, which include, but are not limited to, cash register placement in plain view of customers, properly functioning indoor and outdoor lighting and proper placement of security cameras.

(H) EXTERIOR AREAS OR STORE PREMISES. Canopied or open parking lot areas and perimeter of the property.

(I) PASS-THROUGH WINDOW. A manually operated mechanical pass-through trough, front-loading deposit door or other similar device that is encased in a transparent polycarbonate window or other bullet-resistant material that meets American society for testing materials standard D3935, or underwriters laboratory standard 752.

(J) SECURITY ALARM SYSTEM. Any device or Series of devices, including, but not limited to, a signal system interconnected with a radio frequency method such as cellular, private radio signals or other mechanical or electronic device used to notify law enforcement or a private security agency of an unlawful act in progress.

(K) SECURITY PERSONNEL. Security assigned to each convenience store who patrol and who are certified, trained and uniformed.

(L) SECURITY SURVEILLANCE SYSTEM. A VHS or digital camera surveillance system that is capable of recording and retrieving a clear video or digital

recorded image.

(M) SERVICE COUNTER. At a minimum, the counter space designated by the employer to include the service transaction area of the money register and the surrounding perimeter.

(N) SIGNAGE. Posters, placards, neon lights or logos, positioned in the convenience store windows and doors.

(O) TRAINING CURRICULUM. The instruction manual or pamphlet adopted or developed by the employer containing security policies, safety and security procedures and personal safety and crime prevention techniques.

(P) UNDERWRITERS LABORATORIES 752 RATED. The underwriters' laboratory standards for transparent polycarbonate bullet-resistant materials.

Section 3. [NEW MATERIAL] LIGHTING REQUIREMENTS-CRIME PREVENTION-SAFETY TRAINING.

(A) Whenever an employee, including security personnel, is present in the convenience store or when a convenience store is open for business, all exterior areas of the convenience store shall be lighted and maintained at a minimum of eight foot-candles per square foot. The level of lighting shall be measured at ground levels and shall be uniform between the light and dark areas at a ratio not exceeding four to one.

(B) A convenience store shall provide each employee, including security personnel, at the time of his or her initial appointment, and by periodic review not to exceed three-month intervals, crime prevention and safety training in accordance with a written training curriculum. The training curriculum may include computer-based training. Training shall be conducted in a language that is understood by the employee. The employer shall conduct training, or designate a knowledgeable representative to conduct training, in accordance with the written training curriculum that includes but is not limited to:

- (1) an overview of the potential risk of assault;
- (2) operational procedures, such as cash handling rules, that are designed to reduce risk;
- (3) proper use of security measures and engineering controls that have been adopted in the workplace;

(4) behavioral strategies to defuse tense situations and reduce the likelihood of violence, such as techniques of conflict resolution and aggression management;

(5) specific instructions on how to respond to a robbery and how to respond to attempted shoplifting; and

(6) emergency action procedures to be followed in the event of a robbery or violent incident.

(C) The employee's immediate supervisor shall provide store specific crime prevention and safety training.

(D) Current employees shall receive training within ninety days of the effective date of the enactment of this ordinance.

(E) All employers shall prepare training documentation for each employee, including security personnel, and have employees sign a statement indicating the date, time and place they received their crime prevention and safety training. Employers shall maintain documentation of an employee's training for a period of at least twelve months, or six months after termination of an employee's employment. All training documentation, including training curricula, shall be kept on the convenience store premises and made available on request by the Planning Department Commercial Zoning Enforcement.

Section 4. LATE NIGHT SECURITY.

(A) Convenience stores operating between the hours of 9:00 p.m. and 5:00 a.m. shall employ at least one of the following security measures:

(1) the employer shall employ a minimum of two employees during the operating hours of 9:00 p.m. to 5:00 a.m.;

(2) the employer shall provide a controlled access area by means of a secured safety enclosure of transparent polycarbonate or other bullet-resistant material that meets American society for testing materials standard D3935 or underwriters laboratory standard 752;

(3) the employer shall provide a pass-through window of transparent polycarbonate or other bullet-resistant material that meets American society for testing materials standard D3935 or underwriters laboratory standard 752 that restricts access

to and encompasses the service counter area, providing an enclosure that extends not less than five feet above the service counter; or

(4) between the hours of 9:00 p.m. and 5:00 a.m., the employer shall close the store and prohibit all sales transactions but allow employees to perform duties such as store stocking, maintenance, cleaning and other non-sales transaction duties. Signs shall be conspicuously posted on all entryways stating the store is closed.

(B) The convenience store shall employ security personnel from the hours of 9:00 p.m. to 5:00 a.m.

Section 5. STORE WINDOW SIGNAGE-SURVEILLANCE-SECURITY ALARM.

(A) The employer shall maintain door and window signage so that a clear and unobstructed view of the service counter and cash register exists from outside the building.

(B) Convenience stores shall provide a fully operational VHS or digital security surveillance system of necessary quality that, at a minimum, shall:

(1) record a continuous, clear and unobstructed view of the premises including the service counter area, all entryways and exits, parking areas, walkways, building entrances and exits and gasoline pump areas during all operating hours; and

(2) include a high resolution black and white or color screen monitor with on screen date and time capabilities.

(C) The employer shall:

(1) conduct a monthly maintenance inspection and make all necessary repairs to ensure the proper operation of the security surveillance system, and, in the event of an extended mechanical malfunction that exceeds an eight hour period, provide alternative security that may include closure of the convenience store;

(2) maintain documentation, for a period of at least twenty-four months, of all inspections, servicing, alterations, and upgrades performed on the security surveillance system. All documentation shall be kept at the convenience store and made available on request by the Planning Department Commercial Zoning Enforcement; and

(3) maintain a VHS or digital library of all in-store transactions recorded by the security surveillance system during normal operating hours of the convenience store for a period of no less than twenty business days.

(D) The employer shall provide and maintain in each convenience store a fully operational security alarm system with a working personal panic alarm for each employee that, when activated, notifies law enforcement or a private security agency when an unlawful act is in progress.

(E) The employer shall:

(1) conduct a monthly maintenance inspection and make all necessary repairs to ensure the proper operation of the alarm system, and, in the event of an extended mechanical malfunction that exceeds an eight hour period, provide alternative security that may include closure of the convenience store; and

(2) maintain documentation for a period of at least twenty-four months of all inspections, servicing, alterations and upgrades performed on the security alarm system; all documentation shall be kept at the convenience store and made available on request by the Planning Department Commercial Zoning Enforcement.

(F) The security alarm activators shall be located in a location accessible to the employees and be available to the employees as a portable device that can be carried on their person.

(G) The employer shall:

(1) provide at least one B or higher rated depository or time lock safe in each convenience store;

(2) utilize each depository or time lock safe to ensure controlled access to cash;

(3) conduct a monthly maintenance inspection and make all necessary repairs to ensure the proper operation of the depository or time lock safe system, or, in the event of an extended

mechanical malfunction that exceeds an eight hour period, provide alternative security that may include closure of the convenience store; and

(4) maintain documentation, for a period of at least twenty-four months, of all inspections, servicing, alterations, and upgrades performed on the depository or time lock safe; all documentation shall be kept at the convenience store and made Available on request by the Planning Department Commercial Zoning Enforcement.

(H) The location of the depository time lock safe may be determined by the employer but shall be located within the service counter area.

(I) The employer shall not have more than fifty dollars in the cash register at any time.

(J) The employer shall conspicuously post a notice in English and in Spanish in the convenience store that contains, at a minimum, the following information:

(1) there is a safe in the store;
(2) employees do not have access to the safe;

(3) there is an active security alarm system;

(4) there is an active surveillance system; and

(5) there is no more than fifty dollars in the cash register.

(K) Employers shall not be cited by the Planning Department Commercial Zoning Enforcement for providing employees access to a time lock or other safe.

(L) Any pay phones installed after the date that the Convenience Store Protection Ordinance is enacted shall be located inside the convenience store. Existing pay phones shall be well lit and shall be moved inside the convenience store within six months of the enactment of the Convenience Store Protection Ordinance.

(M) The employer shall ensure an unobstructed view throughout the store from the

service counter area. This may be accomplished by different means, including mirrors and video monitors.

Section 6. ENFORCEMENT AUTHORITY

(A) The Planning Department Commercial Zoning Enforcement shall be responsible for the enforcement of this ordinance.

(B) Compliance with this regulation does not relieve a person from the obligation to comply with any other applicable federal, state or local regulations.

Section 7. A new section of the Convenience Store Protection Ordinance is enacted to read:

“[NEW MATERIAL] PENALTY Each and every violation of this Ordinance is a criminal violation subject to the provisions of Section 1-1-99 ROA 1994.”

Section 8. SEVERABILITY CLAUSE. If any section, paragraph, sentence, clause, word or phrase of this ordinance is for any reason held to be invalid or unenforceable by any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this ordinance. The Council hereby declares that it would have passed this ordinance and each section, paragraph, sentence, clause, word or phrase thereof irrespective of any provision being declared unconstitutional or otherwise invalid.

Section 9. COMPILATION. This ordinance shall be incorporated in and compiled as part of the Revised Ordinances of Albuquerque, New Mexico, 1994.

Section 10. EFFECTIVE DATE. This ordinance shall take effect five days after publication by title and General summary.

